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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,937	03/27/2001	Goran Rune	2380-228	5282

7590 07/30/2004

NIXON & VANDERHYE P.C.  
8th Floor  
1100 North Glebe Road  
Arlington, VA 22201

EXAMINER
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HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/812,937	<b>Applicant(s)</b> RUNE ET AL.	
	<b>Examiner</b> Clemence Han	<b>Art Unit</b> 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-13,16-24,27-34 and 37-42 is/are rejected.
- 7) ☒ Claim(s) 4,5,14,15,25,26,35,36 and 43-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Initialed and dated copies of Applicant's IDS form 1449, Paper No. 3 and 5, are attached to the instant Office action.

### ***Claim Objections***

2. Claims 21 and 42 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7-11, 17-21, 28-32 and 38-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 7 recites the limitation "the base station" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 28 recites the limitation "the base station" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 1–3, 6–8, 11–13, 16–18, 22–24, 27–29, 32–34 and 37–39 are rejected under 35 U.S.C. 102(e) as being anticipated by Toskala et al. (US Patent 6,456,826).

In regard to claim 1 and 22, Toskala teaches, for use in a Radio Access Network of a telecommunications system, a method comprising deriving control parameters for controlling an in-and-out-of-synchronization detection algorithm for a set of combined radio links (radio link set) from corresponding cell based parameters (Column 5 Line 64 – Column 6 Line 9).

In regard to claim 2, 17, 23 and 38, Toskala teaches the control parameters for controlling the in-and-out-of-synchronization detection algorithm for a set of combined radio links (radio link set) derived from the corresponding cell based parameters of the cells of the individual Radio Links of a set of combined radio links (radio link set) in a base station (Column 5 Line 64 – Column 6 Line 26).

In regard to claim 3, 6, 18, 24, 27 and 39, Toskala teaches the control parameters derived by taking the largest value of the corresponding cell based parameters (Column 6 Line 22–26).

In regard to claim 7 and 28, Toskala teaches the control parameters for controlling the in-and-out-of-synchronization detection algorithm for a set of combined radio links (radio link set) derived from the corresponding cell based parameters of all cells in the base station (Column 7 Line 38–54).

In regard to claim 8, 11, 29 and 32, Toskala teaches the control parameters derived by taking the largest value of the corresponding cell based parameters (Column 7 Line 49–54).

In regard to claim 12 and 33, Toskala teaches the control parameters for controlling the in-and-out-of-synchronization detection algorithm for a set of combined radio links (radio link set) derived from the corresponding cell based parameters of any potential radio link set in a base station, where a potential radio link set corresponds to any combination of one or more cells in a base station (Column 7 Line 38–54).

In regard to claim 13, 16, 34 and 37, Toskala teaches the control parameters derived by taking the largest value of the corresponding cell based parameters (Column 7 Line 49–54).

***Allowable Subject Matter***

9. Claim 4, 5, 14, 15, 25, 26, 35, 36 and 43–45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claim 9, 10, 19, 20, 30, 31, 40 and 41 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
11. Claim 9, 10, 19, 20, 30, 31, 40 and 41 are objected to also as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the synchronization in general.

U.S. Patent 5,008,953 to Dahlin et al.


U.S. Patent 5,375,253 to Lopponen


U.S. Patent 5,959,983 to Saito et al.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (703) 305-0372. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Clemence Han  
Examiner  
Art Unit 2665

  
ALPUS H. HSU  
PRIMARY EXAMINER